



- 3) This is a statutorily and constitutionally core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue properly lies in this judicial district pursuant to 28 U.S.C. §1409(a), in that the instant adversary proceeding is related to the above-captioned case under title 11 of the United States which is still pending.
- 4) Plaintiff brings this proceeding to avoid an unperfected interest in personal property pursuant to 11 U.S.C. §544.
- 5) On September 8, 2020, Jameshia Sha-Lin Reece (“Debtor”) filed for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.
- 6) Debtor is an individual who resides at 705 NE Darwin Street, Lee’s Summit, Missouri.
- 7) Defendant is the entity that financed Debtor’s purchase of a 2014 GMC Acadia.
- 8) Defendant filed claim 7 on November 10, 2020 in the amount of \$21,905.60. The claim is listed as secured by a 2014 GMC Acadia with VIN 1GKKRSKD2EJ136985. Pursuant to the proof of claim, the noticing address is Carvana, LLC PO Box 29018, Phoenix, AZ 86038.
- 9) On or around June 12, 2020, Debtor purchased a 2014 GMC Acadia with VIN 1GKKRSKD2EJ136985 (“Vehicle”).
- 10) According to information obtained from the Missouri Department of Revenue, no title has been issued regarding the Vehicle.
- 11) According to information obtained from the Missouri Department of Revenue, Defendant has not filed a Notice of Lien regarding the Vehicle.
- 12) As of the petition filing date of September 8, 2020, Defendant’s security interest in the Vehicle was not perfected and remains unperfected.
- 13) As Defendant’s security interest was not perfected as of the petition date in accordance with applicable law, it is not enforceable against third parties, including the Trustee, pursuant to 11 U.S.C. §544.
- 14) The Trustee may avoid the unperfected security interest held by Defendant.

WHEREFORE Plaintiff prays for judgment as follows:

- 1) An order avoiding the aforesaid unperfected security interest; and
- 2) An order allowing the trustee to treat Defendant’s claim 7 as a non-priority unsecured claim; and
- 3) An order preserving the property for the benefit of the bankruptcy estate as provided in 11 U.S.C. §550 and/or §551.

4) For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Dana M. Estes

Dana M. Estes, #47540

Office of the Chapter 13 Trustee for the  
Western District of Missouri

Richard V. Fink, Trustee

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Dated: December 15, 2020